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AGREEMENTS AND COMMITMENTS ABROAD

OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE



AUGUST 3, 1971

NOTE.—Sections of this committee print have been deleted at the request of the Department of State, Department of Defense, and Central Intelligence Agency. Deleted material is indicated by the notation "[Deleted]."

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PREFACE

At a meeting in executive session on May 21, the Subcommittee on U.S. Security Agreements and Commitments Abroad received a report, classified "top secret," from James G. Lowenstein and Richard M. Moose of the subcommittee staff on a trip which they had made to Laos on behalf of the subcommittee. The information contained in their report added considerably to the subcommittee's understanding of the nature and extent of the activities of the United States in Laos. I felt that the importance of this information was such that it should be brought to the attention of the Senate and accordingly a closed session was held for this purpose on June 7 at my request and with the concurrence of the chairman of the Foreign Relations Committee.

The staff of the subcommittee has now reviewed the report with representatives of the Departments of State and Defense and the Central Intelligence Agency. After considerable discussion of the basis and need for continued security classification of much of the information in the report—a process which lasted 5 weeks—the representatives of the executive branch agreed to publication of the report as now issued. Nevertheless, considerable information has been deleted at their insistence.

While I do not agree that the publication of some of the material which has been deleted from the report which follows would adversely affect our national security, the information which does appear will give the American public a far better picture of U.S. involvement in Laos than can be found in any previous public government report.

STUART SYMINGTON,

Chairman, Subcommittee on United States Security Agreements and Commitments Abroad, Committee on Foreign Relations.

(S)

LAOS: APRIL 1971

I. INTRODUCTION

During our visit to Laos from April 22 to May 4, 1971, we met with Ambassador Godley and the senior and junior civilian officials and military officers in the U.S. Mission. In addition, one or both of us met with Prime Minister Souvanna Phouma; the Foreign and Defense Delegates and the Transport Minister; the Commander of Military Region V and the Governor of Xiang Khouang Province; the Pathet Lao representative in Vientiane; reporters, teachers, and others in private life; and a number of other Ambassadors. We spent a weekend in Savannakhet with the Ambassador and Chief of the AID Mission who were there to open an airfield during which time we visited the Air Operations Center, the [deleted], the irregular force base camp and the irregular training camp known as "Whiskey Three"; a day at the Long Tieng base, the headquarters of General Vang Pao, with whom we lunched, and at Site 32, a village composed mostly of resettled Meo refugees which is north of the Plain of Jars and is the only enclave in that area not under Pathet Lao control; and a day in Thailand at Udorn, visiting the 7/13th Air Force and the 1802 Joint Liaison Detachment [deleted], and at Nakhon Phanom Air Base, visiting [deleted] which is the activity that runs the so-called electronic battlefield in southern Laos.

II. SUMMARY AND GENERAL OBSERVATIONS

A. Most observers in Laos say that from the military point of view the situation there is growing steadily worse and the initiative seems clearly to be in the hands of the enemy. There are apparently no plans for retaking and holding any of the two-thirds of the country no longer under government control but only a hope, not too firmly held in some quarters, that the one-third of Lao territory now under government control can continue to be held. Since Lam Son 719, more Lao territory has come under enemy control, and there are about three regiments more of North Vietnamese forces in southern Laos than there were before the Lam Son operation. U.S. air operations continue in both northern Laos and in the south against the Ho Chi Minh Trail. In both cases the number of sorties this year is down in comparison with last year, the reduction being proportionally greater in the north. The principal reasons for this reduction are, first of all, the fact that fewer aircraft are now available because some squadrons are being re-deployed from Southeast Asia, and, second, the additional demands imposed on remaining aircraft by the situation in Cambodia. Since February 1970 we have been using B-52s in northern Laos on a regular basis, a fact the Committee had not been told and that was not made public until the open Committee hearing at which the Under Secretary of State testified on May 3. We are, however, now flying about

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[deleted] times as many B-52 sorties in southern Laos as in the northern part of the country. The Royal Lao Air Force has doubled its sortie rate in the past year, but the attrition rate of their limited number of T-28 aircraft is high. We are filling the gap. The "truck kill" rate of North Vietnamese trucks is also high, having reportedly reached the astronomical total of over 100 a day in April of this year, but even some U.S. military authorities in Southeast Asia discount these figures, most by about 30 percent. And despite everything that is being done in the air by the United States, and on the ground by the South Vietnamese, Lao and Cambodians, supplies continue to move through Laos into Cambodia and South Vietnam. The Air Force claims that only about one-third the quantity of supplies is getting through this year compared to last year, but others point out that the fact remains that the North Vietnamese are moving sufficient supplies through Laos to sustain their military operations.

B. The war in Laos is run in most respects by the Embassy in Vientiane. In fact, this undertaking seems to consume a considerable portion of the time of the senior officers in the Mission. The "Operations Meeting" at the Embassy—which lasts from 9 a.m. to approximately 10:30 daily, including Saturday, and at which the Ambassador presides—is devoted in large part to detailed briefings by the Army and Air Attachés and the CIA Station Chief which cover practically every military engagement of the preceeding 24 hours. Air operations are followed very closely, even down to the types of ordnance employed, as are the details of the deployment and support of Royal Lao Army and irregular forces.

C. The United States continues to train, arm, and feed the Lao Army and Air Force and to train, advise, pay, support, and, to a great extent, organize the irregular military forces under the direction of the CIA. The combat element of these irregular forces is about as large as the combat element of the Royal Lao Army. These irregular forces include not only the forces under General Vang Pao's command in Military Region II, but forces in every other military region of Laos except the area immediately around Vientiane. The cost of these irregular forces has been increasing every year, in part because as more territory has fallen under Pathet Lao control it has become necessary to rely increasingly on air transport and in part because of the rising cost of ammunition. These irregular forces have become the cutting edge of the military, leaving the Royal Lao Army as a force primarily devoted to static defense.

D. [Delete.] In the past few months the Chinese have increased their air defense capabilities along the road they are building in northern Laos. The road now reaches to the Ou River, marking the division of responsibility between the Chinese and the North Vietnamese on the east, and is only some 45 miles from Pak Beng on the Mekong in the west. The number of Chinese forces along the road has increased from 6,000 two years ago to between 14,000 and 20,000. The concentration of anti-aircraft and associated radar installations along the road, which has been greatly increased in recent months, makes this area one of the most heavily defended in the world. The area around the road, and north of it, is off-limits to U.S. aircraft, and supposedly to Lao aircraft as well, although it was bombed in January 1970 by two

Lao Air Force planes. Whether related or not, the buildup of anti-aircraft facilities followed this attack.

E. The number of Thai in Laos, at the time of our visit, was about [deleted]. Since then, [deleted]. We were told that these "irregular" volunteers, as they are characterized by Thai and American officials, are recruited for service in Laos from outside the regular Thai Army. They are said to receive lower pay and allowances than regular Thai Army personnel [deleted]. The costs involved are channeled through CIA, although U.S. officials told us that they thought some of the funds come from the Defense Department budget. As far as the future is concerned, [deleted].

F. The Royal Lao Government continues to be almost totally dependent on the United States, perhaps more dependent on us than any other government in the world, and this dependence appears to be increasing as the war continues and the military situation worsens. The cost of U.S. military assistance to Laos has risen rapidly in the past few months with the fiscal year 1972 program doubling since January, mostly as the result of the rise in the cost of ammunition and ordnance being supplied to both the Royal Lao Army and Air Force and the irregular forces and the higher rate at which this ammunition and ordnance is being used. The United States provides not only for all of Laos' defense needs but for day-to-day needs as well. And on the political front, we gathered from our conversations with various Lao that it has been made plain to all opponents of the present Prime Minister—primarily the southern politicians and generals—that we wish to see him continue in office and that any change in government might jeopardize continued U.S. support.

G. The Lao Government's budget for the current year is 18.3 billion kip or, converted to dollars at the official rate of 500 kip to the dollar, \$36.6 million. By contrast the partial total of estimated U.S. expenditures in Laos in fiscal year 1971 is \$284.2 million, composed of an estimated \$162.2 million in military assistance, \$52 million in the AID program, and \$[deleted] million spent by CIA exclusive of the Thai irregular costs. This partial total of estimated U.S. expenditures amounts to \$141 per capita for the approximately 2 million Lao under government control compared with a per capita GNP estimated at \$66. Not included in the above U.S. expenditure total are items such as the cost of U.S. air operations in northern or southern Laos or the cost of Thai irregulars in Laos. The planned increase in fiscal year 1972 military assistance coupled with AID and CIA expenditures at this year's level would bring the total of these three programs up to \$374 million. So far as we can determine, the only overall figure ever released by the executive branch for any category of current aid to Laos is the \$52 million estimate for the AID program in fiscal year 1971, although during the Symington subcommittee hearings in 1969 the fiscal year 1971 military assistance program was estimated at \$90 million. In point of fact, we were told that the actual final total for that year was \$146.4 million, as noted in the section below on the military assistance program.

H. U.S. activities in Laos show the interlocking relationship between all U.S. agencies in Laos and all U.S. activities and commands in Southeast Asia. Thus, [deleted]. The sortie rate of U.S. tactical

aircraft is kept at Udorn, but this information does not include the rates for B-52s or Navy aircraft. These figures are kept by 7th Air Force in Saigon. Within Laos, the CIA trains and advises irregular forces, but until last week AID had provided these forces with rice in Military Regions I and II, while the military assistance program, operated ostensibly under AID in Laos, provides food and equipment to the regular Lao Army. The U.S. Air Force flies the planes that bomb the Ho Chi Minh Trail, but much of their targeting information comes from CIA, and the final approval for their missions, at least in some cases, comes from the Embassy.

1. Finally, there is an evident determination among U.S. officials in Laos to continue to prosecute the war with only gradually reduced secrecy. It is argued, with regard to air operations, that many of these planes are based in Thailand and are there pursuant to agreements with the Thai Government which stipulate that [deleted]. As far as operations of the irregular forces are concerned, some say that CIA is not used to prosecuting a war in public and does not see what purpose would be served by doing so. Underlying many of these arguments for maintaining secrecy is the feeling that much of what the United States is doing does violate the Geneva Agreements of 1962, and ancillary "understandings" thereto; and that while our violations are justified by antecedent North Vietnamese violations, putting our violations on the public record, while North Vietnam continues to deny that it is violating the agreements, would make it far more difficult, if not impossible, to reactivate the provisions of the 1962 agreements.

III. THE MILITARY SITUATION

A. GENERAL DESCRIPTION

Since last July, the enemy has extended his control to the western edge of the Plain of Jars, past Muong Soui and Sam Thong, while pushing further west in southern Laos, taking Muong Phalane shortly after Lam Son 719 ended. To the west of the area in which South Vietnamese forces were active during Lam Son 719, a whole new network of trails has been constructed, although the enemy continues to use the routes in the area in which the Lam Son operation took place. Enemy forces have put increasing pressure on the important towns of Seno and Pakse, both of which are now only a few kilometers from the area under enemy control. Virtually the entire Bolovens Plateau area is now held by the North Vietnamese, the few remaining Lao outposts on its western edge having been captured in the last few days. In sum, over 60 percent of Laos is no longer under Lao Government control.

The generally accepted figure for the entire population of Laos has been 2.8 million, although some dispute this figure and claim that it is closer to 2 million. On the basis of the 2.8 million figure, the Embassy claims 2.1 million under government control, although a publication issued by the AID Mission sets the figure at 1.7 million.

In the weeks immediately preceding our visit to Vientiane, Luang Prabang had been under virtual siege. The airfield had been rocketed and the enemy surrounded it on all sides. During the time that we were there, the enemy pulled back, indicating an intention not to take

the royal capital. During the same period, however, they rocketed the principal base at Long Tieng daily with rocket attacks averaging 30 a week.

Trying to estimate enemy intentions is a constant concern of American officials in Vientiane as it is in Saigon, Phnom Penh, and Bangkok. The prevailing assumptions at the time of our visit were that the North Vietnamese and Pathet Lao would continue the war in the north despite American and Lao bombing; that they could continue to move supplies through Laos into Cambodia and South Vietnam although at a reduced rate, again regardless of the bombing, and in fact could do in Laos pretty well whatever they wished during both wet and dry seasons provided they were willing to take heavy casualties in some cases; that they probably would not try to take Luang Prabang because it is the site of the Royal Palace and home of the King and such an attack would therefore have a deleterious effect on public opinion in Laos; that the Royal Lao Government forces will [deleted]. In this connection, both American and Lao officials told us that they would consider the loss of Long Tieng to be a disastrous psychological blow and hence had determined that it should be defended. Understandably, General Vang Pao was particularly adamant on this point for Long Tieng represents virtually the last foothold of the Meo people in northern Laos.

Recent new developments affecting the military situation, all reported in the press since our visit, have been the deployment, for the first time, of North Vietnamese surface-to-air missiles in southern Laos, the development of a road system into the Plain of Jars which will enable the North Vietnamese to operate throughout the rainy season, and the occasional sighting of North Vietnamese MIGs over Lao territory, a potential new hazard for the Lao T-28s and the U.S. pilots flying Forward Air Control missions in small observation planes.

B. FRIENDLY FORCES

Friendly forces in Laos consist of [deleted] in the Royal Lao Army, [deleted] in the neutralist army, [deleted] in the Royal Lao Air Force, and some 30,000 Lao and [deleted] Thai irregulars (which are described in section VI below). Friendly forces thus total between 95,150 and 97,650 compared to enemy forces of about 115,000 to 139,000.

Of the [deleted] in the Royal Lao Army, somewhere between [deleted] and [deleted] are infantry, depending on whether the Army Attaché estimates of those present for duty is taken or the Lao Army figure is used as a basis for calculation.

It has apparently become increasingly difficult in the past year or so to maintain an adequate level of manpower in the Royal Lao Army. There are very few enlistments and no national conscription system. From time to time manpower requirements are set by Royal decree for each military region, and quotas are then levied on provinces and villages. What follows is said by some to resemble a press gang operation in which only those without political connections end up in the Army. We were told that 30 percent of all new recruits desert.

The length of service in the Royal Lao Army is 2 years and the basic pay for a private is equivalent to \$5 per month plus allowances for dependents. Soldiers apparently seldom receive all of the money or

food to which they are entitled, and the rolls of some units are said to be padded with personnel who never existed or who have been killed, are missing, or have deserted. We were told about one unit in the neutralist army, for example, which was supposed to have 300 men but when mustered could produce only 25. Another American told us that such an accomplishment would be the envy of many other battalion commanders.

C. NORTH VIETNAMESE AND PATHET LAO FORCES

The estimate of enemy forces in Laos as of April 20 was between 114,765 and 139,000. The 139,000 estimate is composed of 100,000 North Vietnamese and 39,000 Pathet Lao. The estimate in March of 1968 was 91,690 composed of 40,045 North Vietnamese troops and 51,645 Pathet Lao.

It thus seems clear that the North Vietnamese have been able to increase the level of their forces in Laos despite the heavy casualties they have taken. In fact, at the time of our visit there were three more regiments of North Vietnamese forces—about 15,000 men—in southern Laos than there before Lam Son 719 began, although some of the enemy forces who fought in Laos during that operation had returned to North Vietnam.

[Deleted.]

Of the North Vietnamese in Laos, some [deleted] are in infantry battalions; [deleted] in transportation, engineering, and communications units; [deleted] in anti-aircraft and artillery units; [deleted] in Pathet Lao infantry battalions or as advisors to such battalions; and [deleted] in armored units. [Deleted.] In all, about 80 percent of the North Vietnamese are in southern Laos in Military Regions III and IV.

As for the Pathet Lao troops, [deleted] are infantry battalions with some [deleted] of these in Military Region I; [deleted] each in Military Regions II and IV; [deleted] in Military Region III (where North Vietnamese strength is particularly high); and [deleted] in Military Region V. About 60 percent of all Pathet Lao forces—combat and support—are in northern Laos.

The ratio of enemy killed to friendly killed in action is far lower than the ratio released for Vietnam. In the period from 1968 through the first 4 months of 1971, the irregular forces lost 8,020 killed in action (of which 6,873 were lost in Military Regions I and II), while killing an estimated 22,736 of the enemy. During this same period the Royal Lao Army lost 3,664 killed in action, while killing 8,522 of the enemy. The enemy kill ratio is thus far higher for the irregular forces. At the same time, however, the brunt of irregular losses has fallen heavily upon tribal groups such as the Meo, which is one of the reasons why Thai irregulars have been brought into Military Region II.

The North Vietnamese units are definitely carrying the brunt of the fighting and taking most of the casualties, and most Pathet Lao units have North Vietnamese cadre. It seems to some observers that the North Vietnamese are deliberately sparing the Pathet Lao for the future when they will vie for political control in Laos with non-Communist Lao forces whose numbers will have been greatly reduced by war losses.

inflicted by the far more numerous North Vietnamese. During our stay in Vientiane, a number of Pathet Lao, possibly as many as 200, were reported to have "rallied" to the Government side. Authorities in Vientiane were endeavoring to exploit these defections which they believe, on grounds which were not altogether clear to some observers, to be indicative of a "trend."

D. CHINESE FORCES

The number of Chinese forces along the road they are building in northern Laos has increased from between 6,000 and 8,000, the figure given the subcommittee 2 years ago, to somewhere between 14,000 and 20,000.

The Chinese have also moved in a heavy new increment of radar-directed anti-aircraft weapons, increasing the number by 100 in the last 6 to 7 months to the present total of 395, including for the first time guns of 85mm and 100mm, the latter said to be effective up to 68,000 feet. Since early 1970, they have also [deleted]. Of the Chinese troops along the road, those who hold to the lower figure of 14,000 say that between 3,000 and 3,500 are members of anti-aircraft crews and the rest construction workers, while those who give the higher estimate say that anti-aircraft crews total 6,000 to 7,000.

As a result of recent work done on the road, it will be a motorable all-weather surface dual-lane highway by August all the way from the Chinese border to Muong Huon, although there has been no extension of the road past Muong Huon since February 1970. In addition to upgrading earlier road construction, the Chinese have, since November 1970, constructed eight small arms firing ranges of a kind normally associated with garrisons of ground troops as well as large headquarters buildings and 66 basketball courts. There are 154 camps along the road. The western branch of the road still ends 45 miles from Pak Beng on the Mekong River, some 20 miles from Thailand. On the eastern leg of the road, only a bridge or ferry across the River Ou needs to be built to connect with the road which has been reconstructed from Dienbienphu into Laos.

We were told, on originally inquiring, that there had been no provocation which would account for the sudden buildup in anti-aircraft defenses along the road. After further inquiry, however, we learned that the Lao Air Force had bombed the road at least twice. In the most recent and important such incident, two Lao T-28s from Luang Prabang flew over the road in January 1970 and claimed to have been fired upon by the Chinese. In their debriefing the pilots stated they had then destroyed 10 trucks. This claim could not be confirmed from later photography, although the photographs did show craters on the road. [Deleted.]

IV. AIR OPERATIONS

U.S. air operations in Laos have declined in the course of the past year and are now below the level of the first 9 months of 1969. At that time, the United States was flying about [deleted] sorties a day in northern Laos and [deleted] a day in southern Laos, a total of 400 sorties a day. One year ago, the average daily rate was about 350 sorties—[deleted] in northern Laos and [deleted] in southern Laos. In April of this year, the rate averaged about 340 sorties a day—[de-

leted] sorties a day in northern Laos and [deleted] a day in southern Laos, although during the last week in April, while we were in Laos, the sortie rate averaged 282 a day--[deleted] in the north and [deleted] in the south.

On February 18, 1970, the United States began B-52 missions against northern Laos. The White House confirmed in March 1970 that one B-52 mission had taken place in northern Laos, but there had been no subsequent disclosure that B-52's were bombing northern Laos on a regular basis. In fact, the Committee had not been informed, even on a classified basis, that B-52 raids had been extended to northern Laos, although several times executive branch witnesses were prepared so to testify in executive session if asked. Our telegram from Vientiane reporting on B-52 operations in northern Laos was relayed to the Committee by the Department on April 29, 1971. When Under Secretary Irwin was asked about B-52s at the public hearing on May 3, he acknowledged the fact of B-52 operations in northern Laos but said that he could not supply sortie figures as these were not available in the State Department. It is interesting to note, in this connection, that documents dealing with B-52 operations in northern Laos are classified "Top Secret" while B-52 operations in the south are considered "Secret."

The figures we were given by the Embassy in Vientiane indicated that the B-52 sortie rate in northern Laos is higher in 1971 than it was in 1970. We were told in Vientiane that in the first 4 months of 1971 there were [deleted] B-52 sorties in northern Laos and that in all of 1970 there had been [deleted] B-52 sorties in northern Laos.* B-52 sorties in northern Laos constitute a small percentage of total B-52 strikes in Laos, both north and south. For all of Laos B-52 strikes are now averaging [deleted] to [deleted] a day.

The reported figures for the number of North Vietnamese and Pathet Lao trucks damaged or destroyed are growing at a geometric rate. We were told that, during the first 29 days of April, 69 trucks had been destroyed and over 4,133 damaged in northern Laos and over 4,850 destroyed and 1,155 damaged in southern Laos. For previous years, the figures given us for trucks destroyed or damaged were 3,291 in 1967; 7,332 in 1968; 9,012 in 1969; and 12,368 in 1970. These figures are not taken seriously by most U.S. officials, even Air Force officers, who generally apply something on the order of a 30 percent discount factor. One reason why there is some skepticism about the truck kills claimed by the Air Force is that the total figure for the last year greatly exceeds the number of trucks believed by the Embassy to be in all of North Vietnam.

Truck kill and damage figures are arrived at through a set of criteria developed by the Air Force. It is assumed, for example, that if a truck is hit by a 40mm shell it is destroyed and that if the shell hits within 10 feet of the truck it is damaged. One Air Force officer told us that if the truck kill figures proved, on further analysis, to be unrealistic,

*Subsequently, in response to a question in an open Committee hearing on May 3, the Under Secretary of State said that he did not know how many B-52 sorties had been flown in northern Laos in 1970 and 1971 but would provide the figures. Under cover of a top secret letter dated June 10, 1971, from Assistant Secretary of State Alshire, the figures given were [deleted] sorties in 1970 and [deleted] as of May 1971--indicating a lower sortie rate in 1971 than in 1970.

the criteria would then be changed. Another commented that he assumed that the North Vietnamese were intelligent enough to set off decoy explosions when trucks were being attacked so that they would be counted as destroyed or damaged even if not hit.

"Through put" figures, which refer to the estimated number of tons transported into South Vietnam or Cambodia by either trucks or water-borne means, are kept at 7/13th Air Force. They vary widely with the season and cannot take account of such unknown factors as stockpiling. In January and February 1970, we were told, between 1,500 and 2,500 tons were estimated to be "in put" and between 1,150 and 1,250 tons as "through put" a week. In January and February 1971, "in put" averaged between 2,000 and 3,300 tons a week while "through put" averaged between 135 and 200 tons a week. The figures for the week of April 14-20 showed an "in put" of 1,932 tons and a "through put" of 824 tons, a record figure for 1971. We were told that the Lam Son operation had not slowed the trend and that the seasonal trend this year follows the same general pattern as last year, although at a considerably lower level. Last year 33 percent of the "in put" was getting through. This year only 10 percent is getting through. And in the course of the first 4 months of this year, 4,000 to 5,000 tons have gotten through, which is exactly half the amount that it is estimated got through in the first 4 months of last year. These figures are regarded with considerable skepticism by some U.S. officials who point out that as a matter of fact the North Vietnamese continue to be able to get the supplies through to Cambodia and South Vietnam that they require for the military operations they are conducting.

* * *

The Royal Lao Air Force has more than doubled the number of sorties flown in the past year. One year ago they were flying [deleted] sorties a month. Now the rate is [deleted]. Of this total, about [deleted] are T-28 bombing sorties and [deleted] are AC-47 gunship sorties. The Royal Lao Air Force has [deleted] AC-47s and about [deleted] T-28s. Somewhere between [deleted] and [deleted] of the T-28s were in commission every day during our visit and available for bombing missions. [Deleted] T-28s were reserved for training and were kept at Udorn, as were those being repaired. The Lao Air Force has been promised [deleted] additional T-28s through the military assistance program by the end of this December. Ten of these are, however, borrowed from the Thai Air Force program and will have to be returned or replaced.

We noticed that none of the Lao Air Force T-28s we saw in Vientiane, Savannakhet, Long Tieng, and Udorn were marked except for serial numbers on the tail, a fact that seemed to come as a surprise to some American officials when it was mentioned. It seems clear that this procedure would allow them to be interchanged with other T-28s.

* * *

The sortie rate of the 7/13th Air Force seems to provide a rough index to the intensity of the air war in Laos. In January 1970, monthly sorties in Laos reached a high point of 14,000, of which about [deleted] were in northern Laos and [deleted] in southern Laos. The sortie rate then began to decline, the rate of sorties in northern Laos more rapidly

than the rate in southern Laos, and total sorties in April of this year were 8,299. The projection for the next fiscal year is that the total will further decrease to an authorized maximum of [deleted] a month.

U.S. sorties in Laos are controlled by a complicated set of "Rules of Engagement and Operational Authorities." These rules seem to make it impossible for villages or other nonmilitary targets to be bombed. In brief, target information is developed either by Royal Lao Army units, CIA irregular units, electronic means, aerial visual reconnaissance, or photo intelligence. 7/13th or 7th Air Force then selects targets and these requests are passed to the mission in Vientiane. Planned strikes are first reviewed by the Air Attaché, or—for targets in southern Laos outside the Trial area—by the Air Operations Center at Savannakhet, and then passed to a junior Foreign Service officer in the Embassy (known locally as the "Bombing Officer") for "validation" or approval. He checks proposals against the rules of engagement and the latest aerial maps which show nonmilitary "structures" in order to make certain, for example, that the proposed strikes are targeted more than 500 meters from "active villages" (defined as one building, hut, or structure not validated by the Embassy for a strike) and at least 500 meters from friendly intelligence teams. If there is any doubt in the Bombing Officer's mind, he passes the request on to the Deputy Chief of Mission or Ambassador for final decision. In 1970, 86 percent of all requests for tactical air strikes, 76 percent of the requests for B-52 strikes in northern Laos, and 70 percent of the requests for strikes in special operating areas, which are explained below, were approved. **When U.S. tactical aircraft arrive over targets, they are controlled by U.S. Forward Air Controllers accompanied by Lao spotters.**

B-52 strikes are directed against two categories of special operating areas: SOLOAS, which are specially validated areas, and PARVELAS which are partially validated areas. These special operating areas are, in effect, free fire zones. They are areas in which it has been determined by the Embassy that there is no civilian population or civilian structure of any sort. SOLOAS are considered to be validated without further clearance except when napalm is used. PARVELAS require 72-hour advance notice to the Embassy. At the time of our visit there were 11 SOLOAS and four PARVELAS.

There is one other kind of prevalidated strike area known as a SOA (special operating area) in which tactical air strikes can be made against any military target without specific validation. In these areas the Embassy has predetermined that there are no "active villages." Napalm may be used within the SOA for several kinds of targets, and any type of ordnance approved for use in Laos may be jettisoned within the SOA. At present one group of SOAs covers most of the Plain of Jars plus Route 7 leading from North Vietnam to the Plain.

The rules of engagement for U.S. air operations vary from one area of Laos to another. In eastern Laos pilots have maximum flexibility whereas in the far north, adjacent to China, there are no U.S. combat air operations. In fact, no U.S. aircraft are permitted to enter this area without Embassy Vientiane, CINCPAC, and JCS approval. [Deleted.]

American pilots who fly Forward Air Control missions do so out of five Air Operations Centers. These are located in Vientiane, Pakse,

Savannakhet, Luang Prabang, and Long Tieng. In theory each American Forward Air Controller has a Lao pilot in the back seat who is there because he knows the ground situation and can communicate with ground Forward Air Guides. There are 53 Royal Lao Army Forward Air Guides and 129 from the irregular units spread throughout all military regions.

Given the apparent stringency of these rules of engagement, it is difficult to see how roads with civilian traffic, villages and groups of civilians could have been bombed, rocketed, or napalmed. It seems clear, however, although the rules are stricter now than they were some years ago, that mistakes do happen (especially when Forward Air Controllers begin flying missions as soon as they arrive at Laos): that some pilots have deliberately violated the rules of engagement, expending ordnance against unauthorized targets (the town of Khang Khay being a notable example); and that the system itself is so complicated that it cannot possibly be foolproof. Indeed, the effort to provide in the rules of engagement for every contingency appears to create obvious loopholes. One is the rule which allows ground fire to be returned virtually anywhere in Laos when a U.S. plane is participating in a search and rescue operation or is flying in support of infiltrating or exfiltrating troops.

There are plenty of instances known to American civilian employees who have been in Laos for some years in which civilian targets have been bombed. There is a certain reluctance, especially on the part of the Air Force, to admit that mistakes have happened which tends to undermine the credibility of official claims made about the infallibility of the conduct of the air war in Laos. The Embassy itself is quite insistent that the rules are scrupulously observed. Yet it apparently has no system for regular photographic review of the results of individual strikes, although it can and does ask for special photography if there is reason to believe a violation has occurred. We made several attempts to obtain photographs of specific towns which we had been told had been bombed. The Embassy was unable to produce such photographs and neither was 7/13th Air Force. The Lao Ministry of Information was reported to have photographs of bomb damage on the Plain of Jars. In response to its efforts to obtain copies of these for us, the Embassy was given only photographs of sightseeing dignitaries and fuzzy distant views of Xieng Khouangville.

The Royal Lao Air Force is not bound by the same rules of engagement and is theoretically free to do what it wishes, although we were told that U.S. officials have sought to do their best to influence the Lao to adhere to the same general principles. Nevertheless, Lao T-28 bombers have attacked towns, Saravane being a well-known case in point, the Chinese road and other targets that are clearly off-limits to U.S. aircraft. As noted above, Lao T-28s are not marked so some of these attacks may well be blamed on the United States. U.S. Forward Air Controllers have been able to assume control over virtually all of the Lao Air Force sorties in Military Regions III, IV and V, but not in Military Regions I and II. Furthermore, Lao Air Force pilots are given special combat allowances which are different in each military region, and at least in some military regions they are paid a bonus for each sortie so that there is an incentive not to adhere too strictly to

rules of engagement. Lao AC-47 gunships are not controlled by Forward Air Controllers but control their own missions, although most of these missions occur in situations where friendly troops are in contact with enemy forces.

Aircraft loss figures are difficult to obtain in Vientiane, but we were told that between January 1970 and April 1971 there have been 25 U.S. aircraft and 13 crew members lost in northern Laos and 56 aircraft and 53 crew members lost in southern Laos. These totals do not include U.S. Forward Air Controllers (five FACs and one Air Operations Center commander were lost in 1970 and three FACs in the first 4 months of 1971), the B-52s (although none has been lost in combat in Indochina) or Navy carrier aircraft.

* * *

In addition to military aircraft operations, there is a large U.S. civilian fleet operating in Laos run by Air America, Continental Air, and Lao Air Transport. These three carriers operate under contracts with AID, although funds are provided by AID, the Defense Department, CIA, and the State Department. The funding arrangements are worked out in Washington.

We were told that the civilian air fleet consists of 20 helicopters, 12 C-123s, 7 C-7As, 5 helios, 10 Porters, 7 C-46s, and 1 Volpar. The C-123s and C-7As are "bailed" aircraft; that is, they are rented from the Air Force. Like the Lao T-28s, they are unmarked.

In fiscal year 1970, the air transport contract costs involved were \$5 million for AID (of which \$0.5 million was for "bailed" aircraft), \$[deleted] million for CIA, and \$11.7 million for the AID Requirements Office which administers the military assistance program. Air transport contracts thus totaled \$26.2 million. We were told that this total is up about 10 percent in fiscal year 1971.

Half of AID's fixed wing contract of \$3.5 million was for refugee relief. Some of the CIA contract goes to ferry Americans back and forth each day to Long Tieng, Sam Thong, and refugee sites, as the military situation is so precarious that Americans do not remain there overnight. There are, for example, 55 Americans at Long Tieng and Sam Thong who are shuttled back and forth from Vientiane every day.

V. THE MILITARY ASSISTANCE PROGRAM

The most recent information the Committee has received from the Department of Defense on the Defense Department funded military assistance program in Laos is a document dated January 26, 1971, and entitled "Estimated Amounts Included in Military Functions Appropriation Fiscal Year 1972 Budget for Support of Free World Forces in Vietnam, Laos, and Thailand and Related Costs in Fiscal Year 1970, Fiscal Year 1971, and Fiscal Year 1972." That document gives as total estimated figures for funding the military assistance program in Laos amounts of \$74.2 million in fiscal year 1970, \$117.3 million in fiscal year 1971, and \$125.8 million in fiscal year 1972. In Vientiane we were told that the fiscal year 1970 program ceiling was not \$74.2 million but \$125 million (although even that ceiling has been exceeded by \$21.4 million, so that the total military assistance program ceiling for fiscal year 1970 was not \$74.2 million but \$146.4 million). We were also told that

as a result of "recent messages from Washington," the fiscal year 1971 ceiling had been increased to \$162.2 million, and the fiscal year 1972 ceiling to \$252.1 million.

The explanation which we were given for the increase in total program for fiscal year 1972, which is double the original estimate of the new funds needed, was the sharp increase in fighting and the rising cost of ammunition and ordnance. According to figures given us in Vientiane, these ammunition and ordnance costs were \$79.1 million in fiscal year 1970, declined to \$51.7 million in fiscal year 1971, but rose to \$136.3 million in fiscal year 1972. Of that \$136.3 million, the Royal Lao Air Force is to receive \$[deleted] million (compared to about half that amount in fiscal year 1971), and the irregulars will require an additional [deleted] million worth of ammunition. Incidentally, the other most noticeable change in the program between 1970 and 1972 is the rise in operating costs of the Lao Air Force from \$74.3 million in fiscal year 1970 to [deleted] million in fiscal year 1972, reflecting costs of the [deleted] T-28s to be provided the Lao by the end of this calendar year.

Military assistance costs are thus rising steeply, as they have throughout the program. According to the figures we obtained in Vientiane, the cost of the military assistance program when it began in fiscal year 1963 was \$11.9 million. That cost rose to \$21.4 million in fiscal year 1964, \$40.8 million in fiscal year 1965, \$59.7 million in fiscal year 1966, \$80.8 million in fiscal year 1967, \$79.4 million in fiscal year 1968, \$90.4 million in fiscal year 1969, and—as explained above—\$146.4 million in fiscal year 1970, \$162.2 million in fiscal year 1971, and \$252.1 million in fiscal year 1972. The cost of military assistance thus doubled every year between fiscal year 1963 and fiscal year 1965, doubled again between fiscal year 1965 and fiscal year 1967, and in fiscal year 1972 it will be more than three times as large as it was in fiscal year 1967 (and 25 times as large as it was when it began 9 years ago).

The military assistance program is designed to support a Defense Department "force goal" recently increased from [deleted] to [deleted]. As noted above, Royal Lao Army and Air Force strength is now [deleted].

The Royal Lao Air Force has some [deleted] T-28s, [deleted] C-47s, [deleted] H-34 helicopters, and [deleted] small O-1 and U-17 aircraft. It is "authorized" [deleted] T-28s. The rate of loss of T-28s has been about [deleted] a year, although in this fiscal year almost that many have already been lost. As noted above, [deleted] new T-28s are scheduled to be provided between now and December, although 10 of these will go to the Thai Air Force to replace the 10 now on loan from that program.

* * *

The logistical functions of the military assistance program are administered in Laos by the AID Requirements Office rather than by a MAAG as would normally be the case. This device is used in order to maintain the appearance of U.S. compliance with the prohibition against foreign military advisory personnel contained in the 1962 Geneva Agreements. The Requirements Office has 34 U.S. direct hire employees, all of whom are former military personnel but are now AID employees; 24 third country nationals; 93 local employees; and

65 Filipinos under contract to Eastern Construction Co. In addition, there are three Defense Department employees, 18 U.S. dependents, three local employees, and 24 Filipinos under contract to the Eastern Construction Co. who run an English language school for Lao military personnel. We did not have the chance to hear how Lao who have been taught English by a Filipino use the language, but those who have say the end product is often quite unique.

The Requirements Office has regional offices in each military region where liaison work is done with the Army and the Air Force. We were told that there is not much emphasis in the Requirements Office operation on end-use checking because, it was stated to us, a Presidential waiver has been granted. (In Cambodia, on the other hand, we had been told that there has been no such waiver, and end-use requirements thus continue to be used as a justification by the Defense Department in arguing for an increase in the size of the Military Equipment Delivery Teams and more direct control over the military assistance program by CINCPAC.)

In addition to the Requirements Office personnel, Army Attaché personnel also work with the Lao Army and Air Force in the military regions. Of the 127 authorized Army Attaché personnel, 24 are assistant Army Attachés stationed in the five military regions working with Royal Lao Army units. In addition to gathering information and doing some end-use checking, they perform what seems to amount to an advisory function. One officer from the Army Attaché office is permanently detailed to USIS where his job is to "publicize the Lao Government to the Lao people." Incidentally, these Army personnel wear uniforms in the field and are referred to by rank. The Air Force personnel in the Air Operations Centers do not wear uniforms, are called "Mister" and say they are with the AID Mission if asked.

VI. CIA ACTIVITIES

A. LAO IRREGULAR FORCES

The most effective military force in Laos is not the Royal Lao Army, but the force known previously as the Armée Clandestine, then as the SGU (for Special Guerrilla Units) and now as the BGs (for the French term *Bataillons Guerriers*). The BG units are part of the irregular forces which are trained, equipped, supported, advised, and, to a great extent, organized by the CIA. The BG units have become the cutting edge of the Lao military forces, as one U.S. official put it. The Royal Lao Army forces are concentrated near centers of population, lines of communication, depots, and airfields and in fact 3,000 members of the Army, or over 5 percent of the force, is tied up in straight guard duty.

Royal Lao Army units are all controlled by individual military region commanders who are frequently likened to warlords. We were told that Vientiane authorities are thus not at liberty to move them from one region to another as the overall military situation may require. Apparently each such move requires negotiation with regional authorities. The BG units, because of the American connection, are relatively free from such constraints. We were told, for example, that at the outset of the recent crisis in Luang Prabang, the Prime Minister

asked for irregular units to defend the capital. The request was refused, and the Prime Minister was compelled to negotiate with the regional commanders in order to increase the forces around Luang Prabang. The Prime Minister's success in this negotiation was cited as an indication of a growing sense of national responsibility on the part of regional military and political figures or, at least, as a manifestation of their devotion to the king.

In addition to the greater flexibility with which they may be used, the irregular forces are considered by American officials to be better disciplined and more capable of conducting independent unit operations. It is the BG units that do most of the day-to-day patrolling, ambushing, and attacking throughout the country. As for other irregular units, [deleted], self-defense units organize the defense of villages and commando teams go out to destroy trucks and supplies and ambush troops.

All of those in the BG units are volunteers (referred to by the Americans in charge of the program as "assets") with the exception of some 1,500 cadre personnel and officers from the Royal Lao Army. The CIA supervises the operation closely and claims that, [deleted], the irregular units receive the rations and pay due them. Also unlike the Royal Lao Army, they are guaranteed evacuation by Air America helicopters and subsequent medical care, which for at least some of them is in a U.S. field hospital at the Royal Thai Air Force base at Udorn, Thailand. CIA "Case Officers" supervise the training and advise on operations of these irregular units, but we were told that they do not accompany them on operations.

BG units and other CIA supported paramilitary and intelligence units exist not only in Military Region II, where they first began as a force of Meo tribesmen under General Vang Pao, but in every military region, except Military Region V around Vientiane. There are [deleted] in Military Region I, [deleted] in Military Region II, [deleted] in Military Region III, and [deleted] in Military Region IV. About 38 percent of the irregulars are thus in Military Region II. In fiscal year 1967, the irregular forces totaled 37,800. Their strength rose to 39,800 in fiscal year 1969, but then dropped to present totals by March of this year. The authorized force level for U.S. support is [deleted]. The size of the irregular forces has been reduced since fiscal year 1969 because of attrition, principally desertion, heavy casualties, and the financial restraints incurred by budgetary limitations. We were told that the costs of these forces have gone up as increased combat activity resulted in the expenditure of more ordnance and because of the necessity to rely more on air transport as more Lao territory has fallen under enemy control. The CIA budget for the Lao irregulars was [deleted] million in fiscal year 1969. This year, we were told in Vientiane, it is expected to be about \$[deleted] million. This figure does not include the costs connected with the Thai irregulars.

B. THAI FORCES

At the time of our visit to Long Tieng on April 28, there were [deleted] Thai there, at the nearby base of Sam Thong, and at Hill 1663 near Sam Thong. (There was also a small Thai team of [deleted])

men at Nam Yu in Military Region I.) The Thai irregulars are under [deleted] and the overall command of General Vang Pao, Commander of Military Region II. Of these [deleted].

Most of the irregulars have been recruited, we were told, as a "volunteer force" outside the Thai Army, although [deleted]. The Thai irregular program developed during the past year and was designed by the CIA specifically along the lines of the irregular program in Laos. The CIA supervises and pays for the training of these irregulars in Thailand and provides their salary, allowances (including death benefits), and operational costs in Laos. We were told that the details of the funding were not known in Vientiane, as all of this bookkeeping is done in Washington. We were also told, however, that some of the funds probably come from the Defense Department budget. The pay and allowances of the Thai irregulars are said to be less than those of regular Thai Army personnel [deleted]. The Thai irregulars are transported from Thailand to Laos by Air America and are returned to Thailand when their tours are up again by Air America. We were told that the Embassy wanted to [deleted] the [deleted] with [deleted] because the [deleted] were more mobile and thus "could do things the others could not do." As for the future, [deleted]. The need for Thai "volunteers" results from the fact that the military manpower base in Laos is estimated to be 114,765 and the Lao Army, neutralist army, irregulars and Pathet Lao all must draw from this base which is now exhausted. (General Vang Pao's forces, for example, have suffered 3,272 killed and 5,426 wounded since 1967; as a result 40 percent of his forces are no longer Meo but Lao Thung). Thus additional military manpower can only come outside Laos. Estimates of the number of additional [deleted]. We also understand that there have been intermittent discussions regarding the possibility of [deleted].

Incidentally, we asked what motivated Thai to volunteer for the irregular forces in Laos in light of the heavy losses they have suffered. We were told that the principal motivation was [deleted].

C. [DELETED]

D. SECRET

The irregular force camps continue to be kept behind a barrier of strict official secrecy. This applies particularly to the principal camp at Long Tieng. Reporters are not permitted on either Air America, Continental, Lao Air Force, or civilian planes which land, or which even might land, at Long Tieng airport, the only means of reaching the camp. Every nonofficial American or Lao who wishes to fly to Long Tieng must have written permission from General Vang Pao, and passengers are checked both getting on and getting off planes. In fact, a few chosen reporters have been allowed to visit Long Tieng but they have been sworn to secrecy.

The principal arguments we heard for the need to continue to maintain secrecy were these: first, that General Vang Pao does not want to allow the press to visit because his military security could be compromised; second, that if reporters were permitted to visit Long Tieng, they would concentrate on the role of the United States, overlooking Vang Pao's contribution; third, that CIA is a clandestine organiza-

tion not used to operating in the open and that its operations in other parts of the world might be compromised if the techniques and individuals involved in Laos were to become known; fourth, that were U.S. activities publicized, the United States would be accused of violating the Geneva Agreements of 1962 and it would thus be more difficult to re-establish the Geneva Agreements as a framework for a future settlement in Laos; and fifth, that the details of the Thai presence would become known which would [deleted].

VII. THE AID PROGRAM

The total Lao budget for this year is 18.3 billion kip or \$36.6 million. The estimated total of U.S. economic assistance to Laos in fiscal year 1971 is \$52.036 million, a total that has been about the same since fiscal year 1969 when it dropped from the higher totals of fiscal year 1967 and fiscal year 1968.

The scope of the AID program covers virtually every aspect of Lao civil administration. As a publication of the AID Mission in Laos states, there are 24 broad projects involving various fields, 145 activities going on to implement these programs, and some 550 different individuals jobs.

The broad categories of the AID program are economic stabilization (the Foreign Exchange Operations Fund which offsets the effect of the Lao Government's budget deficit), programs related to security (such as assistance to refugees, medical assistance, and air transport), the maintenance of governmental services (such as hospital operation, dam repair, school building, teacher training, public administration, police training, and highway maintenance), social infrastructure (such as education and nurse training), and economic development (such projects as rice production, fisheries, agricultural research, irrigation, power, industry, and roads).

* * *

Points of interest from the AID publication "Facts on Foreign Aid to Laos":

(a) The government obtains 90 percent of its foreign exchange from the Foreign Exchange Operation Fund. Contributions to the fund totaled \$22.4 million in 1969, the last year for which figures were published, of which the United States contributed between \$16.1 million and \$18 million, depending on which set of AID figures is accepted. At a minimum, in any case, the United States contributed 72.5 percent of the foreign exchange provided. The other contributors were Japan with \$2 million, France with \$1.7 million (although it is said that the French have a special arrangement with the Fund which permits them to remove foreign exchange so that their contribution is often less than it appears to be), the United Kingdom with \$1.7 million, and Australia with \$0.7 million. When the Fund was originally established in 1961, with a total contribution of \$7.8 million, the United States provided 51.3 percent of the total. That percentage has gradually increased and has been over 70 percent since 1967.

(b) The Lao have recently had to expend an estimated \$4.5 million in foreign exchange each year to import rice; the production of which began to decline in 1960.

(c) Exports were valued at \$2 million and imports at \$42.2 million in 1969. The United States was the principal source of imports in the first half of 1970, providing about 34 percent of total imports, followed by Indonesia and Thailand, each with about 19 percent, Japan with 11 percent, and France with 9 percent. Since independence, the trade deficit of Laos has always been financed by foreign economic assistance. In 1969, 67 percent of the country's imports were financed by the Commodity Import Program of the United States and by the Foreign Exchange Operations Fund.

(d) Lao budgetary expenditures for security last year equaled total government receipts.

(e) Over two-thirds of budget revenues are derived from customs duties and more than half of this sum comes from duties on gold. Direct taxes provide less than 10 percent of the total revenue.

(f) The literacy rate in Laos is 20 percent compared to 41 percent in Cambodia, 60 percent in South Vietnam, and 68 percent in Thailand.

(g) The United States has constructed or improved 3,272 kilometers of road, which is slightly less than half of the total road network of 6,392 kilometers of asphalt, gravel, or laterite and earth roads in Laos.

(h) In any given year 25,000 to 30,000 people become refugees in Laos. The Royal Lao Government estimates that since 1964 over 600,000 people have been displaced by the war. The number of refugees "supported by the government," to use the phrase found in the AID publication, rose from about 108,000 in January 1963 to 275,000 in January 1970 and declined somewhat by May 1 to 257,800. (While refugees depend on the government for support, the government in turn depends on the United States for support. In fiscal year 1971, the United States provided \$17.3 million for refugee relief. U.S. aircraft drop approximately 50 tons of rice each day at a total of 120 drop sites for refugee use, and at an air delivery cost of \$58 a ton which is about equal to the original price of the rice, and the Public Law 480 food donation has risen from 3,700 metric tons in fiscal year 1968 to 9,800 in fiscal year 1971.)

(i) AID has constructed 76 percent of the total number of elementary classrooms in Laos, 100 percent of the teacher training schools, and 22 percent of the secondary schools. In all, 88 percent of the students enrolled in schools in Laos attend schools which have received U.S. assistance.

(j) Economic assistance from other countries has been at an annual amount considerably less than that contributed by the United States. The Nam Ngum Dam is described in the AID publication as a regional project implemented under the auspices of the Mekong Committee and financed by grants from a consortium of nine donor nations. The donations total \$28.6 million, but of this amount the United States has contributed \$15.6 million. The Asian Development Bank has granted Laos \$250,000 for a feasibility study of agricultural activities and a \$973,000 loan for an irrigation project. The total assistance from U.N. agencies amounted to \$968,000 in calendar year 1970. France, which contributes the second largest amount of foreign assistance to Laos, is now giving between \$6 and \$7 million a year, most of it for technical and educational institutions. British assistance has dropped from a previous high point of \$6 million to about \$2.5

19

million annually, of which \$1.7 million is the British contribution to the Foreign Exchange Operations Fund. Japan provided, in 1970, \$1.7 million to the Foreign Exchange Operations Fund, \$500,000 worth of agricultural equipment and \$30,000 worth of humanitarian assistance for refugees. Australian assistance had reached an annual level of \$1.2 million by 1970 including a \$700,000 contribution to the stabilization fund. West Germany has loaned the Royal Lao Government 6 million DM for the Vientiane power distribution system. Canada, Thailand, New Zealand, and India have provided lesser amounts of assistance.

* * *

In addition to its own activities in Laos, AID provides support for both CIA and the military assistance program. The AID food distribution program, for example, feeds irregular military units as well as their families who often are nearby in refugee camps. Until recently, this program had also been totally funded by AID, but it is now funded almost entirely by the Defense Department. As noted earlier, both the air operations branch and the Requirements Office of AID are heavily involved in military programs. While visiting Savannakhet we learned that the airport which was being dedicated that weekend as an AID public works project had, in fact, been funded from Department of Defense appropriations.

VIII. MISCELLANEOUS POINTS

A. In the subcommittee hearings in 1969, the number of U.S. personnel as of September 30 totaled 891. Of this total, 558 were so-called direct hire and 333 were contract personnel. In his speech on March 6, 1970, the President gave a total of 1,040 consisting of 616 direct hire and 424 contract. The figures we were given total between 1,143 and 1,231. Every set of figures we received, and they were given to us several times in the course of our stay, showed 663 direct hire, but the number of contract personnel varied from 480 to 568. We noticed that the number of Air America personnel was now somewhere between 276 and 415. The figures we were given covered the full range. The figure we were given for direct hire AID employees ranged from 330 to 395. It seemed clear to us that there is considerable confusion in accounting for the number of Americans in Laos, and that the various categories of people are shifted to try to keep the numbers as low as possible. In all fairness it should be said that the highest version of various categories include CIA personnel who must be hidden in various components of the mission staff, which may well account for some of the confusion, and that the various contract arrangements also make it difficult to categorize some personnel.

B. The mission does not seem to have made much of an effort to keep a record of what factors have been responsible for "generating" refugees. As a result, they are unable to provide proof to counter allegations that most refugees are generated by U.S. bombing. Some of the officers who work in the refugee affairs section of AID, many of whom have been in the country for years, estimate that between 2 to 5 percent are due to the bombing. They say that the rest of the refugees have come out because of their dislike of the North Vietnamese and

their fear of general military activity, the most dreaded aspect of which is the bombing. They also say that in the northeast about 30 percent of the population has chosen to remain in Pathet Lao territory while 70 percent has left. On the other hand, the few on-the-spot surveys that have been conducted tend to put more weight on either the experience of bombing, or the fear of bombing, as a reason for moving. Certainly that was the principal reason given by a group of refugees with whom we talked outside of Seno, only a few miles, incidentally, west of Dong Hene captured by the enemy 10 days after we left Laos.

Those who work most closely with the refugee problem are particularly concerned about the fate of the refugees from the tribal areas, such as the Meo. There appears to be little prospect of these people returning to their native areas, and although they have paid a heavy price in lives to defend their homelands against the North Vietnamese—thereby defending the capital and the Vientiane plain as well—the minority people continue to be looked down upon by the ethnic Lao who control the Government. Some Americans believe that the situation of the minority peoples poses a potentially serious problem as more of them come to recognize what little security the government in Vientiane affords to them.

C. The Embassy in Vientiane told us that the latest figures that they have for U.S. personnel missing in Laos as of January 19, 1971, showed 232 U.S. personnel, including one Air America pilot, missing since April 1, 1965. There is no firm evidence, according to CIA, that any of these men are being held prisoner in Laos by either the North Vietnamese or the Pathet Lao. The Pathet Lao representative told us that Prince Souphanouvong had stated recently that the Pathet Lao were holding prisoners, including some Americans, and that these prisoners were being held in a safe place. We asked him if a list of the prisoners could be obtained, pointing out that the North Vietnamese had provided such a list. He said that the North Vietnamese had not provided a list until after the bombing had stopped and that the Pathet Lao, similarly, would not do so as long as the bombing continued.

D. The Royal Lao Government is holding 92 North Vietnamese prisoners of war. The number of North Vietnamese prisoners taken has thus been low in proportion to the number killed and wounded. There were 17 prisoners taken in 1968, 15 in 1969, 26 in 1970, and 15 in 1971. Similarly, there have been few North Vietnamese "ralliers"; that is, those who have come over to the other side. These ralliers totaled 17 in 1968, 15 in 1969, 18 in 1970, and two in 1971. By comparison, there were 725 Pathet Lao prisoners taken in 1968, 1,213 in 1969, 412 in 1970, and 114 in 1971. Similarly, there have been far more Pathet Lao ralliers—270 in 1968, 401 in 1969, 174 in 1970, and 239 in 1971. The explanation given for the low number of North Vietnamese prisoners is that the North Vietnamese prefer to commit suicide rather than permit themselves to be captured. We also heard reports, however, that the Lao sometimes shoot North Vietnamese wounded prisoners, especially when Lao forces are in retreat.

Last year there were discussions between the Lao and South Vietnamese governments about turning over North Vietnamese prisoners in Laos to South Vietnam. The decision was made not to do so. The United States took no position in these discussions except to say that it would assist both governments in whatever decision was reached.

E. The cable of instructions sent by the State and Defense Departments about our trip asked our Embassies in any country visited to be frank and forthcoming and to avoid confrontation at all costs but stipulated four subjects which were not to be discussed with us. These were: (1) the deployment of nuclear weapons; (2) military contingency plans or military rules of engagement past, present or proposed, including the operational details of joint integrated air defense; (3) the operational details of sensitive operations, the disclosure of which would clearly jeopardize the safety of U.S. forces; and (4) military assistance program plans and programs beyond fiscal year 1972 (in connection with which the Embassy was instructed to say, if the subject arose, that no decision had been taken beyond 1972). The instructions also said that no documentation should be provided and that if documentation were requested, guidance should be sought from Washington. In summary, the cable noted that our approach "will likely be that of participants in an adversary process."

F. [Deleted.]

IX. FUTURE PROSPECTS

No one we met in Laos, American or Lao, seems to have a prescription for the future other than to continue to do what is being done now. Some observers pointed out to us that, in the long run, the odds are heavily against defending Laos, given the advantages the North Vietnamese enjoy. These are a 1,300-mile front along which they can attack; short, well-developed and increasingly heavily defended supply lines; a sanctuary largely safe from direct attack; a population 10 times that of Laos; and a larger, more experienced and better motivated army. In their more optimistic moments Lao and Americans, as well as most western observers, expressed a guarded belief that the Lao will be able to cling to what remains of their territory until the war ends in Vietnam, believing that the war in Vietnam will end in an agreed settlement in which the great powers will participate and that this settlement will lead to a similar resolution of the situation in Laos.

There is a sporadic dialogue between the Pathet Lao and Lao Governments, and a Pathet Lao representative has arrived in Vientiane within the past week to present new proposals. But these new proposals are apparently harder than previous proposals and include a demand for a bombing cessation throughout Laos—not just in parts of Laos, as in previous demands—before talks can begin.

Thus, the prospect of negotiations seems slim indeed. In the first place, the Pathet Lao and North Vietnamese are in the strongest military position they have ever enjoyed, and it is difficult to imagine what, from their point of view, they might gain by a compromise which did not bring an end to U.S. bombing of the Trail. In the second place, as long as we continue to provide the Lao with the means for continuing the war, even though at a high cost to us in money and an exorbitant cost to them in lives, and as long as the leaders of Laos see no crucial need to negotiate, the initiative for a political settlement will not come from the Lao. The latest series of attacks all along the line in Laos may, however, force Lao leaders to alter their attitude toward negotiation, particularly if additional American or Thai help is not forthcoming. Finally, as far as U.S. policy is

concerned, it is quite apparent that many American officials regard the continued prosecution of the war in Laos as an essential adjunct of our current military strategy in Vietnam because, in their view, it ties down two or more North Vietnamese divisions and permits us to exploit Lao territory to interdict the Trail, thereby buying time for Vietnamization. In this sense, we are indeed using the Lao for our own purposes at an increasingly heavy cost to them in lives and territory. At the same time, U.S. officials also believe that if U.S. air activities in Laos were stopped, the military situation would be even more serious in Military Regions II, III, and IV and that all of Military Region II, including the vital base at Long Tieng, could be lost.

The Thai irregulars constitute a new complicating factor, one not yet fully acknowledged by some accustomed to dealing with Laos within the context of an Indochina war. Some observers pointed out to us, however, that it would seem to follow from the presence of these Thai in a key strategic location in Laos that the Thai will inevitably be parties to any negotiation with the North Vietnamese, the issue for them being the line demarcating areas of influence in Laos. And in connection with areas of influence, it was pointed out to us that the practical effect of the Chinese road is that the Chinese border has already been shifted southward to encompass a substantial portion of northern Laos.

Both the Royal Lao Government and the United States Government seem to consider themselves tied inextricably to the concept of the 1962 Geneva Agreements. Prime Minister Souvanna Phouma indicated in his conversation with us that he regards these agreements as a commitment on the part of the great powers, in general, and the United States in particular, to provide military assistance and financial support. He also seems to view the agreements as a pattern for the future. It is difficult for some observers to see how agreements violated so blatantly, by both parties, can be regarded as a realistic basis for a future settlement when they have not accomplished this end so far. Yet the statement is persistently heard in Vientiane—from both Lao and United States officials—that the Geneva Agreements of 1962 can be implemented after the war in Vietnam is settled or in conjunction with a settlement. And no one seems willing to admit the possibility that there may be no final settlement but merely a continuation of the war in Vietnam, though perhaps at a somewhat reduced level.

If there is no settlement in Vietnam and the war also continues in Laos, Laos will remain a hostage available to the North Vietnamese should they wish to draw American airpower away from Cambodia and South Vietnam, embarrass the United States, threaten Thailand or bring the Chinese into closer involvement. Perhaps the only real protection the Lao have is whatever limits the North Vietnamese wish to place on themselves. Some U.S. officials believe that these limits include not taking over the whole country but continuing to use Lao territory as a supply route while assisting the Pathet Lao as a political—as well as military—force with the final objective of a partitioned Laos in which the eastern portion will be governed by the Pathet Lao and the western portion by a regime not unsympathetic to North Vietnam. Meanwhile, the area under government control shrinks steadily,

the cost to the United States rises, the Pathet Lao consolidate their hold on territories no longer under government control and the Lao Government's professed policy of neutralism continues to hang by the single human thread of Prime Minister Souvanna Phouma. He, in turn, seems to be increasingly isolated from other powerful political figures in his country who wish to involve the United States, or the Thai, even further in the defense of what remains of their country, knowing that they cannot possibly defend it themselves.

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LAOS

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July 1971

UPI item on Sen Case statement:

WASHINGTON--SEN. CLIFFORD P. CASE, R-N.J., SAID TODAY THE NIXON ADMINISTRATION, IN GLARING INCONSISTENCY WITH ITS PLEDGES, WAS FINANCING THAI TROOPS FIGHTING IN LAOS OUT OF MILITARY ASSISTANCE FUNDS.

CASE SAID HE HAD RECEIVED AN UNCLASSIFIED LETTER FROM THE STATE DEPARTMENT WHICH SAID SUPPORT FOR THAI IRREGULARS IN LAOS WAS "BEING SUPPLIED UNDER THE LAO MILITARY AID PROGRAM WHICH, AS YOU KNOW, IS FUNDED THROUGH THE DEPARTMENT OF DEFENSE BUDGET AS MILITARY ASSISTANCE, SERVICE FUNDED."

CASE SAID THE PRACTICE VIOLATES AN AMENDMENT ENACTED LAST YEAR BARRING THE EXPENDITURE OF U.S. FUNDS FOR FOREIGN MERCENARIES IN LAOS.